

# ORIGINAL

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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4384

AN ORDINANCE approving the conditional use permit application of the Pac West Clubs to construct a parking structure to supplement the amount of available parking for an existing facility located at 3215 - 148th Avenue S.E., with conditions; File No. CUDN 91-6073.

WHEREAS, the Pac West Clubs has applied to the City for a conditional use permit to construct a parking structure to supplement the amount of available parking for an existing facility located at 3215 - 148th Avenue S.E.; and

WHEREAS, on May 7, 1992, a public hearing was held thereon by the Hearing Examiner Pro Tempore pursuant to notice required by law; and

WHEREAS, on June 5, 1992, the Hearing Examiner Pro Tempore recommended approval, with conditions, of said application and made and entered findings of fact and conclusions based thereon in support of his recommendation; and

WHEREAS, the City Council concurs in the findings of fact and conclusions of the Hearing Examiner Pro Tempore; and

WHEREAS, the City of Bellevue has complied with the requirements of the State Environmental Policy Act and the City Environmental Procedures Code; now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. The City Council adopts the findings of fact and conclusions made and entered by the Hearing Examiner Pro Tempore in support of his recommendation to the Council in this matter as set forth in "Findings, Conclusions and Recommendation of the Hearing Examiner for the City of Bellevue, Washington, In the Matter of the Application of the Pac West Clubs for Approval of a Conditional Use, File No. CUDN 91-6073."

Section 2. The City Council hereby approves the conditional use permit application, with conditions, of the Pac West Clubs to construct a parking garage to supplement the amount of available parking for an existing facility located at 3215 - 148th Avenue S.E., and more particularly described in Exhibit A, attached hereto, which by this reference is fully incorporated herein. Provided that approval of the conditional use permit application is subject to the following conditions:

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In order to facilitate timely permit issuance, any submittal required by condition for approval by the City of Bellevue prior to the issuance of any permit or Certificate of Occupancy shall be submitted for review to the appropriate department a minimum of 30 days prior to the anticipated permit issuance date.

The following conditions are imposed by referenced permit authorities to ensure compliance with provisions of cited code or to mitigate adverse environmental impacts which are otherwise not addressed through applicable code provision. These conditions must be complied with prior to approval of a clear and grade permit for the proposal:

1. To mitigate siltation and erosion from excavation and construction, temporary erosion and sedimentation control measures shall be reviewed and approved by Storm and Surface Water Utility. (BCC 23.76.030)
2. To mitigate adverse siltation impacts due to mud caused by equipment disrupting moisture sensitive glacial soil, a thin layer of pea gravel, crushed rock, asphalt, or a lean concrete mud mat shall be placed over prepared subgrade as soon as possible. (Comp. Plan 21.D.200.C3, D4; BCC 23.76.030)
3. To mitigate adverse impacts of inadequate compaction and stability of fill from on-site soils due to moisture sensitivity, on-site soils shall be used as fill only under optimum moisture conditions as certified by geotechnical consultants. (BCC 22.02.005; Comp. Plan 21.D.200.C3, D4)
4. To mitigate potential adverse impacts of unstable soils, an addendum to the March 1986 geotechnical report by Rittenhouse Zeman shall be submitted. This addendum shall evaluate the new design for a parking garage, and also any possible impacts of excavation or fill to the existing building to the north. (BCC 22.02.005; Comp. Plan 21.D.200.C3,D4)
5. To mitigate impacts to water quality from siltation impacts, temporary siltation control measures shall be reviewed and approved by the Storm and Surface Water Utility. (Comp. Plan 21.D.100.B.2,3; BCC 23.76.030)
6. To minimize impacts to water quality entering the storm water system, on-site storm water detention shall be provided per Storm and Surface Water Utility Standards. If necessary, in order to improve storm water quality, runoff should pass through oil/water separators prior to being released off-site. (Comp. Plan 21.D.100.D.2,3; BCC 23.76.030)

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7. To mitigate adverse water quality impacts to the storm water system from sedimentation caused by mud clinging to the wheels of vehicles during construction, a tracking pad for trucks should be installed on the site and affected catch basins should be protected by filter fabric where mud is likely to collect. (Comp. Plan 21.D.100.D.2,3; BCC 23.76.030)

8. To mitigate possible adverse water quality impacts, the applicant shall prepare a construction management plan to eliminate discharge of concrete contaminated water to the City storm drainage system. (Comp. Plan 21.D.100.D.2., 3)

9. To mitigate adverse air impacts due to dust during dry weather, construction areas should be watered to suppress dust entrainment. In order to reduce potential surface and ground water contamination, chemical dust suppressants should not be used. (BCC 22.02.05)

10. To mitigate potential impacts to archaeological resources which may be discovered during excavation, the project engineer should stop work if such materials are discovered and immediately contact the State Historic Preservation Officer. (BCC 22.02.005)

11. All contractors shall comply with the City of Bellevue Noise Ordinance regarding construction noise and hours of construction, summarized as follows:

- a. Contractors shall not operate or permit the operation of any diesel, pneumatic or gasoline-powered equipment that is not equipped with a sound-reducing or noise-attenuating device.
- b. Sounds created by construction equipment and emanating from construction sites are exempt from the provisions of the noise ordinance between the hours of 7:00 a.m. and 6:00 p.m. on week days (excluding weekends and federal holidays), except expanded hours may be authorized by the Director of Design and Development. Sound produced by construction at any other time is not exempt and is subject to the limitations of the noise ordinance

12. Approval of the conditional use application and issuance of any construction permits is subject to approval of the design review application submitted for this project. (LUC 20.30.F)

13. The applicant shall secure sufficient off-street parking for construction workers prior to the issuance of a clearing-and-grading, building, foundation, or demolition permit. (Comp. Plan 21.M.210.C.7)

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14. The applicant shall secure a right-of-way use permit from the City of Bellevue Public Works and Utilities Department, Transportation Division, prior to issuance of a clearing-and-grading, building, foundation or demolition permit which includes, but is not limited to:

- a. Designated truck hauling routes.
- b. Truck loading and unloading activities.
- c. Location of construction fences.
- d. Maintain required pedestrian continuity.
- e. Provides for mechanical street sweeping and maintenance during excavation and construction.
- f. Construction signing and pedestrian detour routing.
- g. Hours of construction and hauling.
- h. All other construction activities as they affect the public street system.

(Comp. Plan 21.M.210.C.7)

15. The property owner shall continue to utilize the existing approved interim parking areas and parking management plan until commencement of work activities on the site for the proposed parking garage and associated site development. Prior to issuance of clear-and-grade permit for the parking garage, the applicant shall submit to the Design and Development Department, for review and approval, a plan for meeting the parking demands of the Pac West facility during the parking garage construction period, as well as any required permits for the temporary parking. (LUC 20.20.560)

The following conditions are imposed by referenced permit authorities to ensure compliance with provisions of cited code or to mitigate adverse environmental impacts which are otherwise not addressed through code provision. These conditions must be complied with prior to issuance of a building permit for the proposal:

1. A traffic impact fee shall be required under the provisions of the Transportation Improvement Program Ordinance. The site is within the Impact Fee Area (10). Such fee shall be calculated by the Public Works Department, Transportation Division, prior to the issuance of the building permit. (Ordinance No.4161)

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2. The applicant is required to provide full frontage improvement on both sides of 148th Avenue S.E. including, but not limited to storm drainage, pavement widening to accomplish 36 feet of roadway cross section, incorporating a three lane approach to Eastgate Way on 148th Ave. S.E., six inches of curb and Type "A" gutter on both side of the road, and five feet of concrete sidewalk and street lighting on west side only. A street lighting plan shall be prepared by a qualified engineer familiar with street lighting design. Installation and design shall be per the City of Bellevue's Design Guide and Street Lighting Criteria. (Comp. Plan 21.M.210.C.5, 21.M.215.C.2)

3. The access driveway on 148th Avenue S.E. should be 30 feet wide per the City of Bellevue Development Standards (3C-10A). Parking stalls shall not be located any closer than 30 feet from the back edge of the driveway apron. (Development Standards 3C.10A)

4. The applicant shall post additional "No Parking Anytime" signs on the west side of 148th Avenue S.E. (Ordinance No. 3890)

5. The applicant shall dedicate all necessary sidewalk, utility, and street lighting easements to the City for areas adjacent to 148th Avenue S.E. (Comp. Plan Policy 21.M.215)

6. The applicant shall submit revised plans showing a water conserving irrigation system for all landscaping at this site. (LUC 20.25C.040.B.5)

7. The applicant shall submit revised plans showing an irrigation metering system. (BCC 24.02.090)

8. The applicant shall submit for review and approval of the Design and Development Department, a lighting plan for the new parking areas. No unshielded source of light, as measured at ground level at the property lines, is permitted. The applicant shall submit manufacturer's information on design and capabilities of the exterior lighting fixtures demonstrating that lighting can be shielded and directed downward away from adjoining properties. (LUC 20.25C.040.C.1)

9. The applicant shall submit revised plans showing all service connections as underground. A contactor box is required at this site. (Development Standards 3A.29.E)

10. The property owner shall submit application to the City of Bellevue for the necessary construction permits required for the development of the parking areas within 60 days of the approval of the conditional use application by the City Council. Construction of the parking garage and other site development shall be completed and operational within 365 days of issuance of a building permit, unless

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otherwise delayed by City of Bellevue imposed seasonal construction restrictions. (Comp. Plan EG-12, EG-13)

11. The applicant shall submit a revised site plan for review and approval by the Design and Development Department, providing for pedestrian access between the existing Pac West building, the proposed parking garage, and 148th Ave. S.E. (Comp. Plan EG-12)

The following conditions are imposed by referenced permit authorities to ensure compliance with provisions of cited code or to mitigate adverse environmental impacts which are otherwise not addressed through code provision. These conditions must be complied with prior to issuance of a Certificate of Occupancy.

1. Prior to issuance of a Certificate of Occupancy, the property owner shall record a survey depicting all lot lines and an approved site plan with King County Department of Records and Elections. A copy of the recorded documents shall be provided to the City of Bellevue Department of Design and Development. (LUC 20.30F.165)

2. If spillover parking onto adjacent streets or adjacent properties occurs after the parking garage and other site improvements have occurred, the property owner shall make whatever adjustments to scheduling and class size of the hourly aerobics classes, which currently occur between 4:30 p.m. and 7:30 p.m. Monday-Friday, or make whatever other adjustments to other club activities necessary to eliminate the parking spillover. If the spillover parking problem is not resolved within 14 days of notification by the City, the Design and Development Department may initiate an application to revoke the conditional use application pursuant to Section 20.B.170.B of the Land Use Code. (LUC 20.B.170.B)

Section 3. This ordinance shall be recorded with the King County Department of Records and Elections.

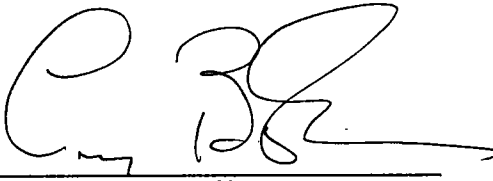
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Section 4. This ordinance shall take effect and be in force five days after its passage and legal publication.

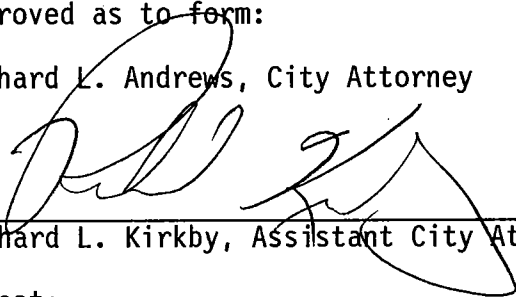
PASSED by the City Council this 13<sup>th</sup> day of July, 1992, and signed in authentication of its passage this 13<sup>th</sup> day of July, 1992.

(SEAL)

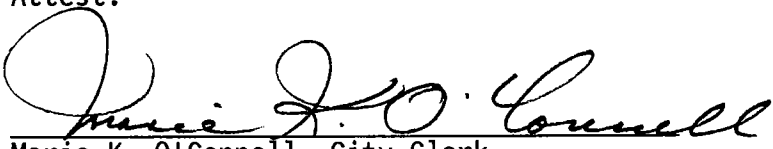
  
Cary Bozeman, Mayor

Approved as to form:

Richard L. Andrews, City Attorney

  
Richard L. Kirkby, Assistant City Attorney

Attest:

  
Marie K. O'Connell, City Clerk

Published July 17, 1992

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EXHIBIT "A" TO  
Ordinance No. 4384  
CUDN 91-6073

**PARCEL A**

That portion of the northeast 1/4 of the southeast 1/4 of section 10.  
Township 24 north, range 5 east W.M., described as follows:

Beginning at the intersection of the easterly line of said subdivision  
with the north line of Primary State Highway No. 2;  
Thence northerly along said easterly line 250 feet to the point of  
beginning;  
Thence westerly parallel with the northerly line of said highway 250 feet;  
Thence northerly parallel with the easterly line of said subdivision to a  
point 295 feet southerly of the northerly line of said subdivision, as  
measured parallel with the easterly line thereof;  
Thence easterly parallel with the northerly line of said subdivision to  
the easterly line thereof;  
Thence southerly along said easterly line to point of beginning;

Situate in the City of Bellevue, County of King, State of Washington.

**PARCEL B:**

Beginning at the intersection of the easterly line of said subdivision  
with the north line of Primary State Highway No. 2;  
Thence northerly along the easterly line of said subdivision 250.00 feet;  
Thence westerly parallel with the northerly line of said state highway  
260.00 feet to the true point of beginning;  
Thence westerly and parallel with the northerly line of said highway 15.00  
feet;  
Thence northerly and parallel with the east line of said subdivision to a  
point that is 295.00 feet south of the north line of said subdivision;  
Thence easterly parallel with the north line of said subdivision to a  
point that is 295 feet south of the north line of said subdivision and 250  
feet west of the easterly line of said subdivision;  
Thence southerly and parallel with the easterly line of said subdivision to  
the true point of beginning;

Situate in the City of Bellevue, County of King, State of Washington



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## PARCEL C

That portion of the northeast quarter of the northeast quarter of the southeast quarter of section 10, township 24 north, range 5 east, W.M., in King County, Washington, described as follows:

Beginning at the intersection of the easterly line of said subdivision with the northerly line of Primary State Highway No. 2; thence westerly along said northerly line 250.00 feet; thence northerly parallel with the easterly line of said subdivision to a point 145.00 feet southerly of the northerly line of said subdivision, as measured parallel with the easterly line thereof, and the true point of beginning; thence southerly parallel with the easterly line of said subdivision 150.00 feet; thence easterly parallel with the northerly line of said subdivision to a point on the easterly line of said subdivision, distant 295.00 feet southerly of the northeast corner thereof; thence northerly along said easterly line 95.00 feet; thence northwesterly (along a straight line which would intersect the northerly line of said subdivision at a point 40.00 feet westerly of the northeast corner thereof) to a line parallel with the northerly line of said subdivision and which intersects the true point of beginning; thence westerly parallel with the northerly line of said subdivision to the true point of beginning.